

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
FAYETTEVILLE DIVISION

IN RE:

TIME OUT PROPERTIES, LLC, et al

CASE NO. 24-3435-5-PWM

DEBTOR

CHAPTER 11

**APPLICATION FOR ALLOWANCE OF  
COMPENSATION FOR SPECIAL COUNSEL**

NOW COMES the Trustee, John C. Bircher III, and shows the following:

1. On October 3, 2024, the Court entered an Order authorizing the employment of Marc P. Barmat and the firm of Furr Cohen Attorneys at Law (“Special Counsel”), as special counsel for this estate (Toppos, LLC, Case No.: 23-02889-5- PWM) and to render professional services in this case.

2. Special Counsel has provided a valuable service to the estate, and has submitted to the Chapter 7 Trustee an accounting of his fees in the sum of \$4,100.00 for services performed for the period of September 24, 2024, through October 1, 2024, a copy of which is attached and incorporated by reference.

3. The Trustee requests that Special Counsel be allowed compensation in the amount set forth in the attached accounting.

WHEREFORE, the Trustee requests that the Court enter an order allowing Special Counsel the compensation requested herein in the amount of \$4,100.00, and that the Trustee have any other relief the Court may deem just and proper.

Dated: 01/10/2025

s/John C. Bircher III  
John C. Bircher III  
N.C. State Bar No. 24119  
DAVIS HARTMAN WRIGHT LLP  
209 Pollock Street  
New Bern, NC 28560  
Telephone/Facsimile 252-262-7055  
Email: jcb@dhwlegal.com



**FurrCohen**  
ATTORNEYS AT LAW

# INVOICE

Furr Cohen  
2255 Glades Road, Suite 419A  
Boca Raton, Florida 33431

Invoice#: 15036  
Date: 10-02-2024  
Due On: 10-17-2024

John Bircher  
Davis Hartman Wright  
209 Pollock Street  
New Bern, NC 28560

Matter Number: 24137-John Bircher-Toppos, LLC  
Matter Name: Toppos, LLC

## CASE ADMINISTRATION: - Services

Date	Staff	Description	Quantity	Rate	Total
09-24-24	MB	CASE ADMINISTRATION: Review and respond to email from J. Bircher enclosing Florida bankruptcy cash collateral motions and notices of hearings	0.30	600.00	\$180.00
09-25-24	MB	CASE ADMINISTRATION: Telephone call with John Bircher regarding FL and NC bankruptcy cases, change of venue, etc.	0.20	600.00	\$120.00
09-25-24	MB	CASE ADMINISTRATION: Review emails from J. Bircher and Kathleen O'Malley regarding NC Order Directing FL Debtors Not to Proceed; Review order; Telephone calls with Kathleen O'Malley; Telephone call with Brad Shraiberg	1.60	600.00	\$960.00
09-25-24	MB	CASE ADMINISTRATION: Preparation of Notices of Appearance in five Florida cases; Preparation of motions for pro hac vice appearance of Kathleen O'Malley in Florida cases	1.10	600.00	\$660.00
09-25-24	MB	CASE ADMINISTRATION: Review and respond to email from Eric Pendergraft regarding ex parte motion to treat hearings as status conference; Review email from Kathleen O'Malley	0.30	600.00	\$180.00
09-25-24	MB	CASE ADMINISTRATION: Review motions to treat hearings as status conference filed by debtors; Preparation of email to trustee	0.20	600.00	\$120.00
09-25-24	YFV	CASE ADMINISTRATION: Preparation of email to John Bircher and Kathleen O'Malley, etc. regarding Florida filings	0.20	200.00	\$40.00
09-25-24	MB	CASE ADMINISTRATION: Telephone call with Brad Shraiberg	0.20	600.00	\$120.00
09-25-24	MB	CASE ADMINISTRATION: Review orders staying all five FL bankruptcy cases; Preparation of emails to Kathleen O'Malley and John Bircher; Telephone call to John Bircher	0.30	600.00	\$180.00

10-01-24	MB	CASE ADMINISTRATION: Review orders entered in each case transferring venue; Telephone call with John Bircher; Preparation of email to John Bircher and Kathleen O'Malley	0.40	600.00	\$240.00
10-02-24	MB	CASE ADMINISTRATION: Review Notice and Acknowledgment from North Carolina Eastern District of Receipt of Case Number: 5:24-bk-03435-PWM in each FL case; Preparation of email to John Bircher and Kathleen O'Malley	0.20	600.00	\$120.00
					Subtotal: \$2,920.00

## FEE/EMPLOYMENT APPLICATION: - Services

Date	Staff	Description	Quantity	Rate	Total
09-25-24	MB	FEE/EMPLOYMENT APPLICATION: Review and respond to email from Kathleen O'Malley regarding application to employ special counsel; Review and execute affidavit	0.20	600.00	\$120.00
09-25-24	MB	FEE/EMPLOYMENT APPLICATION: Review email from Trustee enclosing Application for Employment of Barmat as Special Counsel	0.10	600.00	\$60.00
					Subtotal: \$180.00

## Court Filing Fee - Expenses

09-25-24	YFV	Court Filing Fee: Motions (5) to Appear Pro Hac Vice (\$200.00 each) -	1.00	1000.00	\$1,000.00
					Court Filing Fee - Expenses Subtotal: \$1,000.00

SubTotal	\$4,100.00
Total	\$4,100.00

## Timekeeper Summary

Name	Initials	Hours	Rate	Total
Marc Barmat	MB	5.10	600.00	\$3,060.00
Yesenia Fernandez-Vivas	YFV	0.20	200.00	\$40.00

**Marc P. Barmat**

In February 2011, the United States Trustee appointed Marc Barmat as a Chapter 7 panel trustee in the Southern District of Florida. In the 13 plus years Mr. Barmat has acted as a Chapter 7 trustee, he has been appointed to liquidate dozens of South Florida corporations.

Mr. Barmat has also represented and acted as an Assignee for the Benefit of Creditors and has represented court appointed Receivers.

In addition to acting as and representing fiduciaries, Mr. Barmat represents debtors and creditors in a wide range of consumer and business bankruptcy matters. Mr. Barmat's multifaceted background includes formerly representing defendants in professional malpractice actions and complex commercial litigation.

Professionally active, Mr. Barmat serves on the Board of Directors of the National Association of Bankruptcy Trustees and regularly speaks on various bankruptcy topics. Mr. Barmat served on the Board of Directors for the South Palm Beach County Bar Association, is involved in numerous professional associations and provides pro bono legal services to various community organizations.

**Yesenia Fernandes-Vivas**

Yesenia joined Furr Cohen, P.A. in 2023, but has been working as a consumer bankruptcy paralegal for over 24 years. She earned her master's degree in Psychology from Grand Canyon University, is certified with the National Association of Legal Assistants and is a registered paralegal with The Florida Bar. Yesenia's years of experience have provided her with many opportunities to help Debtors through the bankruptcy process.

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**NOTICE OF APPLICATION FOR ALLOWANCE OF  
COMPENSATION FOR SPECIAL COUNSEL**

NOTICE IS HEREBY GIVEN of the Application for Allowance of Compensation for Special Counsel ("Application") filed in the above captioned case; and,

FURTHER NOTICE IS HEREBY GIVEN that this Application may be allowed provided no response and request for a hearing is made by a party in interest in writing to the Clerk of this Court within TWENTY-ONE (21) DAYS from the date of this Notice; and,

FURTHER NOTICE IS HEREBY GIVEN, that if a response and a request for a hearing is filed by a party in interest in writing within the time indicated, a hearing will be conducted on the Application and response thereto at a date to be determined by the United States Bankruptcy Court. Any party requesting a hearing shall appear at said hearing in support of such request or he may be assessed Court costs. If no request for a hearing is timely filed, the Court may rule on the Application and response thereto *ex parte* without further notice. Any party filing an objection requesting a hearing, shall appear at said hearing or they may be taxed with Court costs.

Dated: 01/10/2025

s/John C. Bircher III  
John C. Bircher III  
N.C. State Bar No. 24119  
DAVIS HARTMAN WRIGHT LLP  
209 Pollock Street  
New Bern, NC 28560  
Telephone/Fascimile 252-262-7055  
Email: jcb@dhwlegal.com